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Procedures for Addressing Low-Level Concerns and Student Fitness to Practise

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1. Introduction

- 1.1. This document set out the arrangements for the Low-Level Concerns, Fitness to Study, and Fitness to Practise Procedures.
- 1.2. Throughout the process, a student will be actively encouraged to seek support as described on the [KMMS Student Portal](#).

2. Stages in dealing with concerns

- 2.1. The process follows the stages described below:
 - Stage 1 is the identification or notification of a potential issue or student behaviour which has raised concerns.
 - Stage 2 is the process for establishing and addressing low-level concerns with a view to early resolution at this stage within the School (for example meeting with the Head of Year).
 - Stage 3 is where there are repeated low-level concerns, lack of engagement with a plan made for early resolution of low-level concerns, or a concern of a potentially more serious nature which requires referral to the Professionalism and Health Concerns Group.
 - Stage 4 is the referral to formal Student Fitness to Practise Procedures.
- 2.2. Students can be supported at any meetings by a member of staff providing that there is no conflict of interest, member of a Students' Union ([Kent Union Advice Centre](#) or [CCSU Advice](#)) or another student of either University. It is a student's responsibility to arrange for a supporter to attend. The meeting organiser must be made aware of any additional attendee at least 2 days before the meeting unless the student has been provided with less than 7 days' notice of the meeting date. In such instances of short notice meetings, the student must make the meeting organiser aware of additional attendees at least 24 hours before the meeting.

- 2.3. Information from any previous concern or case may be introduced, provided there was not a previous decision that there was no case to answer and it was closed without any record being made.
- 2.4. The student must be informed in writing if it is foreseeable that previous findings and outcomes will be introduced, and any appropriately redacted notification forms (previously known as alert forms) must be provided within the specified time limit.
- 2.5. At any time during its proceedings, the Professionalism and Health Concerns Group may refer the student's case directly to stage 4 Fitness to Practise Procedures.
- 2.6. If a student does not accept the outcome of the Professionalism and Health Concerns Group, the student can request for the case to be referred directly to stage 4 where the Formal Investigating Officer will investigate the case as outlined in 6.3.
- 2.7. If a case requires referral to stage 4, the Chair of the Professionalism and Health Concerns Group will recommend to the Dean whether the student should remain in attendance on the programme or if they need to undertake attendance with conditions because of a potential risk to others (such as patients, the public, other students and staff, or themselves). This may apply to clinical and non-clinical learning activities, university facilities or both.
- 2.8. At the completion of each stage, the student will be told in writing within 5 working days of the outcome or how the matter will proceed next.
- 2.9. If the student fails to engage with the process or self withdraws and reasonable attempts have been made to contact them, then proceedings will continue in their absence.
- 2.10. If a student formally intermits during an open case the case may be paused. When they re-join the programme they will be required to continue with the procedures outlined in this document until the case is resolved.

- 2.11. The intention is to complete the procedures as quickly as possible. It is aimed to undertake stage 3 within twenty working days of the referral being made. The general exception to this is where notification is received outside the published term dates for the programme, when the aim is to undertake stage 3 within forty working days. Should there be any delays in the investigation (for example awaiting receipt of an Occupational Health report or outcome of a court case) the student will be kept informed.
- 2.12. At all stages within the procedures, there is an expectation that the appropriate redacted evidence held in relation to alleged issue(s) will be shared with the student concerned 7 calendar days in advance of any meeting they are invited to attend. Where there are high levels of concern, the student may be provided with less than 7 calendar days' notice of a meeting, in which case the appropriately redacted evidence should be shared with the student as soon as practicable. This may include within the meeting itself in some cases.

3. Stage 1 – Identification or notification of a potential issue or student behaviour which has raised concerns.

- 3.1. A potential concern relating to a student's health or professional conduct may be reported using a Notification Form (found on the KMMS website) from one or more of several sources, including:
- self-referral by the student, for example the declaration of a criminal matter
 - members of KMMS staff, or the staff of either University
 - staff who work in placement provider organisations
 - fellow students
 - the police
 - members of the public
 - anonymous complaints.
- 3.1. If there is already a formal investigation by an outside agency, this should be completed prior to investigations under stage 4 of these procedures. It will require a referral to stage 3 and a risk assessment to be completed by

the Kent Student Conduct and Complaints Office.

- 3.2. The Student Procedures and Quality Officer will review the Notification and based on the evidence, and if necessary in consultation with the Head of Year, will determine if the matter should be referred to a higher stage. If the issue does not indicate a breach of professional standards or require the matter to proceed the Student Procedures and Quality Officer will close the case and make a record of the decision which will be held locally.
- 3.3. If the Notification raises a concern of non-academic misconduct, it will be referred to the KMMS Non-Academic Disciplinary Procedures for investigation by the University of Kent Student Conduct and Complaints Office. Following the outcome, this may then be considered further at a higher stage of this procedure.

4. Stage 2 – Establishing and addressing low-level concerns with a view to early resolution at this stage

- 4.1. The Student Procedures and Quality Officer can refer the student to stage 2 to establish and address low-level concerns. The Student Procedures and Quality Officer is responsible for coordinating the case at stage 2 and may seek input into the management of the case from KMMS Student Life and Guidance team, the student's Head of Year, Programme Director, their Personal or Clinical Academic Tutor, or other suitable person.
- 4.2. The purpose of the referral to stage 2 is to be supportive in enabling the student to respond to low-level concerns and to accept remediation before progress is impaired or escalation to stage 3 is required.
- 4.3. This stage may:
 - a. Conclude following discussion(s) with the student.
 - b. Implement support mechanisms including an assessment by Occupational Health Services.
 - c. Be escalated to a higher stage.

- 4.4. The student's Personal/Clinical Academic Tutor will be made aware of the referral to the stage.
- 4.5. An agreed record of the decision will be maintained digitally within a secure file only accessible to staff directly involved in the management of this process. The record will form part of the student file and can be considered in conjunction with any future concerns.
- 4.6. If a student declines to engage with the support, or the issue is unable to be remediated, the matter will be referred to the Professionalism and Health Concerns Group (stage 3).

5. Stage 3 - Serious or persistent causes for concern requiring referral to the Professionalism and Health Concerns Group

- 5.1. The primary intention of any course of action determined by the Group will be to support the student and their continued medical training towards graduation.
- 5.2. Students are not required to report referral to the Group to the GMC in any Transfer of Information process except where the outcome of the Professionalism and Health Concerns Group has made a recommendation to do so.
- 5.3. Where misconduct has been proven under KMMS Student Code of Conduct, or where there has been a breach of Non-Academic Disciplinary and Academic Misconduct Procedures, the Professionalism and Health Concerns Group will consider any capability or Fitness to Practise implications and action as appropriate.
- 5.4. In particular, the Professionalism and Health Concerns Group will:
 - a. Receive and consider allegations/referrals of students' unprofessional behaviour/poor conduct.
 - b. Receive and consider reports of students' behaviour or performance which may pose a possible risk to patients, the public, colleagues, or

themselves.

- c. Receive and consider reports of students' performance or progress which raises concerns about students' continued training towards being fully qualified doctors.
 - d. Receive and consider reports of consistent low-level concerns which have not been remediated through previous stages of the procedures.
 - e. Have due regard within its decisions of the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between individuals in accordance with the public sector duty of the Equality Act 2010.
- 5.5. Where serious concerns with immediate patient safety issues are raised and/or concerns about final year students with no time for remediation, these will be referred directly to stage 3 and 4 Fitness to Practise Procedures concurrently.
- 5.6. The Professionalism and Health Concerns Group (PHCG) should include a minimum of one clinical academic with current GMC registration and licence to practice. The PHCG members will also include:
- a. Undergraduate Programme Director (Chair)
 - b. Academic Lead for Professionalism
 - c. Academic Year Lead
 - d. KMMS Student Life and Guidance Representative (in attendance, at student request only).

The PHCG will be serviced by a member of the Quality or Operations Team.

- 5.7. The student will be informed in writing of the referral by the Student Procedures and Quality Officer and be invited to attend. They should be given the opportunity to submit supporting evidence, for example evidence of mitigation, at least 5 working days prior to the meeting.
- 5.8. All documentation that is being made available to the Group must also be shared with the student in line with 2.12.

- 5.9. If a student declines to attend the PHCG meeting, then reasons for the referral and actions to be taken will be discussed and made in absentia.
- 5.10. The process for the PHCG is as follows:
- a. The student's situation will be discussed in their presence if they attend and any evidence that has been submitted in advance should be considered at this time.
 - b. Group members and the student or representative should have the opportunity to ask questions.
 - c. The Group will then consider the facts presented in private and, having considered all the circumstances, will reach a decision.
 - d. Should additional concerns arise during discussion, this may require the Group to reconvene later. This will be agreed with the student.
- 5.11. The PHCG may decide that there is no professional capability concern, in which case, the matter is closed, and no further action is taken. A record of this will be retained in the case file.
- 5.12. Where the PHCG considers that the concern is proven, it may set a series of actions which can include:
- a. Requiring the student to produce a written reflection on the issue(s), setting out the professional learning from the experience.
 - b. Requiring the student to make a learning agreement to address the issues in practice, and to provide evidence of improvement and reflection.
 - c. A further referral to OH (Occupational Health) for review of fitness to study and reasonable adjustments relating to the learning, teaching and assessment environment including practice.
 - d. Requiring the student to take specified remedial action not otherwise listed.
 - e. Referral to stage 4 Fitness to Practise proceedings.

- 5.13. The student is notified of the decision in writing, normally within five working days of the meeting. The letter records the decision, the reasons for it and options available to them should they disagree with the decision.

6. Stage 4 – Student Fitness to Practise procedures (SFTP)

- 6.1. Where it is determined at any prior stage that there are potential breaches by the student of the threshold for professional standards, stage 4 procedures will begin with a formal investigation.
- 6.2. A Formal Investigating Officer (FIO) will be appointed from a pool of suitably trained staff within KMMS. The FIO will not be the Dean, Programme Director, Personal or Clinical Academic Tutor, or anyone else deemed to have a conflict of interest in acting as the FIO.
- 6.3. The FIO gathers evidence to decide on the following:
- a. There is no case to answer and to close the case.
 - b. Occupational Health assessment
 - c. The case should be referred to the Professionalism and Health Concerns Group as it does not appear to breach student threshold for professional standards requiring further action at stage 4.
 - d. The issue has likely breached the student threshold for professional standards and should be referred to a stage 4 Student Fitness to Practise Panel.
- 6.4. The FIO will aim to complete their decision within 20 working days of referral. The student must be informed if this is not possible.

7. Terms of Reference of the Student Fitness to Practise Panel

- 7.1. To hear the case from the FIO and the student's response regarding the matter that has been referred.

- 7.2. To determine if the evidence is found proven or not proven.
- 7.3. To determine whether any proven evidence indicates the student has breached required professional standards.
- 7.4. To determine any sanctions as appropriate that may be independent or in addition to any described by the Professionalism and Health Concerns Group.
- 7.5. To clearly document the decision-making process and the rationale for the determination taken.
- 7.6. To communicate the outcome to relevant parties indicating explicit reasons for the determination as appropriate.

8. Membership of the Student Fitness to Practise Panel

- 8.1. All Panels will be assigned a Chair and a Secretary by the CCCU Faculty of Medicine, Health, and Social Care Faculty Director of Quality or nominee.
- 8.2. The Panel Secretary (Servicing Officer) is provided by Canterbury Christ Church University (CCCU) Faculty of Medicine, Health, and Social Care, and must be present during the meeting but they are not part of the decision-making process. The Servicing Officer will minute the meeting and maintain the records.
- 8.3. None of the decision-making Panel will have any conflict of interest with the case or the student concerned.
- 8.4. The composition of the Panel shall be as follows:
 - a senior member of staff from CCCU or University of Kent, Head of School or equivalent, who will act as Chair
 - a professionally qualified member of staff from the same discipline as the student (who holds a current licence to practice)
 - a student representative who does not know the student being investigated
 - a Professional Services representative to advise on procedural matters (advisory capacity only).

All panel members should be appropriately trained.

- 8.5. Any external registered practitioners on the Panel should not be a substantive KMMS staff member or have any links to the student (for example through a previous practice placement experience) or have any other potential conflict of interest in being a member of the Panel.
- 8.6. All Panel meeting attendees will sign a confidentiality agreement.

9. Process for convening and hearing a Student Fitness to Practise Panel

- 9.1. The Panel will normally meet as soon as reasonably practical to consider a concern referred to it. This will normally be held within 20 working days of referral to Panel. The student must be informed if this is not possible.
- 9.2. The Panel meeting will either take place on KMMS premises (at either University) or be held virtually.
- 9.3. The FIO will be responsible for presenting the student case to the Panel. A written report, which includes a timeline of events and pertinent evidence will be circulated to the Panel and the student 10 working days in advance of the Panel meeting.
- 9.4. The student will be advised of their right to submit a written statement and any other relevant evidence before the Panel meeting; this must be sent to the Secretary at least 7 working days before the meeting date.
- 9.5. The student, their representative (see below), and the FIO are required to attend the Panel meeting and speak about the concerns raised. The student may attend by alternative means e.g., video link.
- 9.6. Students can be supported at any meetings by a member of staff, member of a Students' Union (Kent Union Advice Centre or CCSU Advice) or another student of either University. It is a student's responsibility to arrange for a supporter to attend. The meeting organiser must be made aware of any additional attendee at least 2 days before the meeting.
- 9.7. In the case of the non-attendance of the student, the Panel will proceed in the student's absence. If the student or other witness is unable to attend for a good reason, the Chair of the Panel should be notified. The Chair of the

Panel will consider whether the reason for non-attendance is sufficient to require rescheduling the Panel.

- 9.8. Additional information should normally be provided a minimum of one full working day in advance of the Panel. This may be permitted to be tabled at meeting at the discretion of the Chair, or in certain cases the Panel may need to be reconvened at a later date for the information to be properly considered.
- 9.9. Members of the Panel may ask questions of the student and the FIO.
- 9.10. The student and FIO may also ask questions of each other to clarify factual matters only.
- 9.11. The Chair may adjourn proceedings if necessary and inform the student in writing of the arrangements for the reconvening of the Panel.
- 9.12. When all presented evidence has been heard the Panel will discuss the case in private and decide the outcome.

10. Decision making by the Student Fitness to Practise Panel

- 10.1. Evidence associated with any case referred to the Panel will be thoroughly considered. The resultant outcome must be based on all the evidence presented. In order to apply sanctions, the Panel must be satisfied by the presented evidence that the student is not fit to practise. The standard of proof is the same applicable to civil proceedings, that of the balance of probability. The burden of proof is on the Universities.
- 10.2. Panel members must exercise their professional judgement in reaching a conclusion regarding the outcome and sanction. They must ensure that if they require a sanction, it is proportionate to the breach of professional standards that initiated the procedure, and that it will deal justly and fairly with the fitness to practise issue(s). Sanctions must give primacy to the protection of the public and upholding public confidence in the medical profession.
- 10.3. If the student has a criminal conviction, the relevance i.e., those which are not 'protected' as defined by the Rehabilitation of Offenders Act 1974

(Exceptions) Order 1975 (as amended), seriousness and circumstances in which the offence was committed must be taken into account. For example:

- the degree of risk posed to patients/ service users/ public
- whether the conviction or caution was disclosed
- the relevance of the offence to the chosen profession
- the circumstances surrounding the offence
- the student's explanation of the offence
- the student's commitment to work safely and effectively, upholding the trust and confidence of patients/ service users.

10.4. The possible outcomes of the Panel hearing are as follows:

- a) Following consideration of the evidence the case is not proven. In this case the student receives no warning or sanction. However, the student should be supported to reflect on their situation and experience by a member of KMMS staff or a mutually agreed member of staff from either university.
- b) Following consideration of the evidence the case is proven (in part or in full). In this case the Panel will determine whether the facts as deemed proved constitute misconduct and impairment of fitness to practise, along with reviewing any mitigating or aggravating factors.

10.5. If the case is proven and the Panel determine that the student's fitness to practise is impaired the Panel will decide a sanction or agreement of undertakings, beginning with the least severe, and proportionate to the risk to patients, service users and the public. The Panel may:

- agree undertakings
- apply conditions
- exclude/suspend the student from the programme
- expel the student from the programme.

10.6. If the student is expelled from a relevant programme because they have been found unfit to practise, their name and personal data will be transferred to the Excluded Students Database maintained by the Medical Schools Council.

10.7. The list of sanctions is indicative; alternative sanctions may be made as appropriate to individual cases.

- 10.8. Where a sanction is applied the student will be offered support from a mutually agreed member of staff from either university.
- 10.9. Where the sanction applied involves the student undertaking remedial action (e.g., through a formal learning agreement), the Panel should specify how compliance with the conditions will be measured and who will be responsible for monitoring. It should also make clear to the student the consequences of breaching any conditions.
- 10.10. If the Panel comes to a view that wider public interests may be involved, the Panel may recommend to the Universities that case should be referred to other agencies, such as the Disclosure and Barring Service.
- 10.11. The outcome of the Panel will be recorded, and then communicated by the Chair, to the student, and other relevant parties within five working days. The determination letter should also make clear the requirements for disclosure to the GMC when the student applies for provisional registration and when they complete a STEP form.
- 10.12. The outcome of the Panel will be attached to the student's file. Any subsequent incidents may be considered in light of earlier warnings. The outcome will be kept on the student's file for six years after the end of the student's registration.
- 10.13. If something comes to light during the Panel proceedings that raises concerns and/or highlights risk to the student, service users or others and requires disclosure to an external agency, a decision will be taken by the Panel and actioned by the Chair and will be recorded in the minutes.
- 10.14. Within five working days, the Secretary informs the student in writing of the Panel's decision, and the right to appeal within ten working days of the date of the Panel's decision. Appeals relating to Fitness to Practise should be made to the Director of Student Resolution and Student Protection at Canterbury Christ Church University.

11. Right of Appeal

- 11.1. The student must make their appeal within ten working days of the date of the written notice.

- 11.2. In exceptional circumstances, the Director of Student Resolution and Student Protection may extend the time allowed for submission of an appeal for good cause. Such circumstances might include, but are not limited to, the student being ill or having other pressing reasons for delay.
- 11.3. The grounds for the appeal are:
- a) the decision-making process did not follow the procedures; and/or
 - b) the Panel reached an unreasonable decision; and/or
 - c) the proposed action is disproportionate or not permitted under the procedures; and/or
 - d) there was bias or reasonable perception of bias during the procedure.
 - e) the sanctions are unreasonable; and/or
 - f) insufficient account was taken of presented extenuating circumstances evidence; and/or
 - g) there are new material facts that become known only after the meeting of the Panel.
- 11.4. If the Director of Student Resolution and Student Protection or nominee decides that there are no grounds for appeal, the reasons will be set out in writing. The student can request a review, which needs to include explaining the reasons for contesting the decision. A Reviewer will undertake a review of the decision. The Reviewer is a member of the Senior Management Team of either University from outside the Canterbury Christ Church University (CCCU) Faculty of Medicine, Health, and Social Care and KMMS.
- 11.5. If the Reviewer decides there are no grounds for appeal, the decision represents the completion of the internal procedures. The student may complain to the Office of the Independent Adjudicator for Higher Education (OIA). Canterbury Christ Church University (CCCU) will issue a Completion of Procedures Letter within 20 working days of the date of the Reviewers decision.
- 11.6. If the Reviewer decides that there are grounds for appeal, the case will be considered following the procedures set below:

12. Appeal arrangements if the penalty does not lead to exclusion/suspension or expulsion.

- 12.1. A nominee appointed by the Director of Student Resolution and Student Protection at Canterbury Christ Church University identifies a Reviewer for the matter.
- 12.2. The purpose of the review is to determine whether the decision-making process followed the procedures. This will include a review of the facts of the case.
- 12.3. If the Reviewer decides that procedures were followed and/or that any new material facts that have become known after the meeting of the original SFTP Panel met should not affect the decision made by the SFTP Panel, then no further action should take place, and this represents the completion of the internal procedures.
- 12.4. If the Reviewer does not consider that procedures were followed and/or that any new material facts that have become known after the meeting of the original SFTP Panel should affect the decision made by the Panel, then they will determine that there should be a fresh SFTP Panel to hear the case.
- 12.5. The aim is to complete the review within twenty working days of acknowledgement of receipt. The general exception is if the acknowledgment is outside the published term dates. In these circumstances the aim is to complete investigation within forty working days of the acknowledgement.
- 12.6. On the completion of the internal procedures, the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA). Canterbury Christ Church University (CCCU) will issue a Completion of Procedures Letter within 20 working days of the date of the Reviewers decision.
- 12.7. The outcome should be entered on the student record. Any subsequent incidents may take account of earlier warnings. The outcome, together with the Panel papers, remain on file for six years after the last registered date of entry.

13. Appeal arrangements if the penalty leads to exclusion/suspension or expulsion

- 13.1. A Panel Secretary (Servicing Officer) appointed by the Director of Student Resolution and Student Protection at Canterbury Christ Church University establishes an Appeals Panel, which consists of three members. The Panel will include:
- a senior member of staff from outside the Faculty of Medicine, Health, and Social Care.
 - for cases concerning a student on a programme accredited by a Professional, Statutory and Regulatory Body (PSRB) the Panel will include a senior member of the profession accredited by the same PSRB who is recognised as a qualified professional by that PSRB and who holds a current licence to practise with that PSRB (or equivalent authority to practise).
 - a senior member of Academic Faculty outside KMMS.
- 13.2. The Secretary notifies the student in writing the arrangements for the hearing.
- 13.3. The Secretary convenes a panel meeting with the student not later than ten working days after notification of this procedure to the student.
- 13.4. The purpose of the meeting is to determine whether the decision-making process followed the procedures and any new material facts that have become known after the meeting of the original SFTP Panel. This will include a review of the facts of the case.
- 13.5. The purpose of the meeting is not to reverse or amend the decision made by the original SFTP Panel, it may only recommend that a fresh SFTP Panel should be convened if it judges that a matter within its remit requires this to happen.
- 13.6. When attending in person, the student can be accompanied by a member of staff providing that there is no conflict of interest, member of a Students' Union ([Kent Union Advice Centre](#) or [CCSU Advice](#)) or another student of either University. It is a student's responsibility to arrange for a supporter to attend. In all cases, they may speak on behalf of the student at the student's request/instruction.

- 13.7. If the student declines the offer of the meeting, the basis for the review will be the evidence collected and provided to the Appeals Panel.
- 13.8. If the Appeals Panel considers the decision-making process of low-level concerns or fitness to practise concerns followed the procedures, this represents the completion of the internal procedures. If the Appeals Panel does not consider that the decision-making process followed the procedures, the Appeals Panel will determine that there should be a fresh SFTP Panel to hear the case.
- 13.9. The final decision is to be sent to the student in writing within seven days of the meeting unless there is a need to collect further information. Notification of the need to collect further information is also sent to the student within seven days of the meeting.
- 13.10. On completion of the internal procedures, the student may complain to the Office of the Independent Adjudicator for Higher Education (OIA). Canterbury Christ Church University (CCCU) issues a Completion of Procedures Letter within twenty working days of the date of the letter.
- 13.11. The KMMS Student Procedures and Quality Officer enters the outcome on the student's course file. Any subsequent incidents may take account of earlier warnings. The outcome, together with the Panel papers, remains on file for six years after the last registered date.

Appendix 1 Flowchart of procedures

